

Senate Chamber, Atlanta, Georgia
Monday, January 23, 2006
Sixth Legislative Day

The Senate met pursuant to adjournment at 1:00 p.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the House:

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 433. By Senator Thomas of the 2nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention, so as

to increase the minimum reimbursement rate paid to counties for housing state inmates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 434. By Senator Harbison of the 15th:

A BILL to be entitled an Act to amend Code Section 43-19-15 of the Official Code of Georgia Annotated, relating to the issuance of certificates of registration as a geologist and renewal or replacement, so as to provide for continuing education; to repeal conflicting laws; and for other purposes

Referred to the Natural Resources and the Environment Committee.

SB 435. By Senators Thomas of the 54th and Harp of the 29th:

A BILL to be entitled an Act to amend Code Section 49-3-3 of the Official Code of Georgia Annotated, relating to county directors of family and children services, so as to change certain provisions relating to the appointment of the county directors; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 436. By Senators Grant of the 25th, Harp of the 29th, Tolleson of the 20th, Pearson of the 51st and Kemp of the 46th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to change certain provisions relating to meetings of the State Board of Technical and Adult Education; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 437. By Senators Golden of the 8th, Stoner of the 6th, Reed of the 35th and Powell of the 23rd:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to authorize the State Board of Education to develop and adopt a curriculum for a state funded elective course consisting of

a nonsectarian, nonreligious academic study of the Bible and its influence on literature, art, music, culture, and politics; to provide for implementation by a local board of education; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 438. By Senators Meyer von Bremen of the 12th, Hooks of the 14th and Golden of the 8th:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to provide time requirements for the credentialing of hospitals, physicians, and other health care providers by a new third-party administrator of the state employees' health insurance plan; to provide for related matters; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 439. By Senators Meyer von Bremen of the 12th, Hooks of the 14th and Golden of the 8th:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to provide that any employee or other individual covered under the state health insurance plan who has been assessed any late charge or surcharge due to noncompliance with any established deadline shall be given an opportunity to provide proof of attempted compliance; to provide for the cessation and recoupment of such charges and surcharges; to provide for related matters; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

The following House legislation was read the first time and referred to committee:

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the

filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 382 Do Pass
SB 391 Do Pass

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 649 Do Pass as amended

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

Senator Williams of the 19th asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Seay of the 34th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Smith
Balfour	Hill,Jack	Starr
Brown	Hill,Judson	Staton
Bulloch	Hooks	Stephens
Butler	Hudgens	Stoner
Cagle	Jones	Tarver
Carter	Kemp	Tate
Chance	Me V Bremen	Thomas,D
Chapman	Miles	Thompson,C
Douglas	Moody	Thompson,S
Fort	Mullis	Tolleson
Goggans	Pearson	Unterman
Golden	Rogers	Weber
Grant	Schaefer	Whitehead
Hamrick	Seabaugh	Wiles
Harp	Seay	Williams
Heath	Shafer,D	Zamarripa

Not answering were Senators:

Harbison (Excused)	Johnson (Excused)	Powell
Reed (Excused)	Thomas, R	

Senator Reed was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Tarver of the 22nd introduced the chaplain of the day, Reverend Stephen Bratton of Martinez, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 688. By Senators Golden of the 8th, Shafer of the 48th, Powell of the 23rd, Cagle of the 49th, Heath of the 31st and others:

A RESOLUTION recognizing January 30, 2006, as Capitol Tech Day; and for other purposes.

SR 689. By Senator Harbison of the 15th:

A RESOLUTION congratulating Mrs. Vivian Creighton Bishop on being selected to serve as the president of the Congressional Club; and for other purposes.

SR 690. By Senator Wiles of the 37th:

A RESOLUTION recognizing the Georgia Recreation and Parks Association on February 7, 2006; and for other purposes.

SENATE RULES CALENDAR
MONDAY, JANUARY 23, 2006
SIXTH LEGISLATIVE DAY

HB 970 Liquid propane and natural gas; state tax; temporary exemption; provisions (FIN-28th) Roberts-154th

SB 399 Municipal Corporation; special services district; within 3 miles of noncontiguous area treated as same noncontiguous area (Substitute)(SLGO(G)-48th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

Senator Seabaugh of the 28th moved to engross HB 970, which was on today's Senate Rules Calendar.

Senator Thompson of the 33rd objected.

On the motion a roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	N Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	E Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	Miles	N Thomas,R

Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	N Thompson,S
Y Goggans	Y Pearson	Y Tolleson
N Golden	N Powell	Y Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 33, nays 20, the motion prevailed; and HB 970 was engrossed.

The following legislation was read the third time and put upon its passage:

HB 970. By Representatives Roberts of the 154th, Burkhalter of the 50th, O'Neal of the 146th, Golick of the 34th and Smith of the 129th:

A BILL to be entitled an Act to amend Title 48 of the O.C.G.A., relating to revenue and taxation, so as to provide for a partial exemption for a limited period of time with respect to state sales and use taxes applicable to the liquid propane gas commodity sold and delivered primarily for residential heating purposes and to charges for the natural gas commodity billed for residential use; to provide for legislative findings and intent; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the administrator of Part 2 of Article 15 of Chapter 10 of Title 10 of the O.C.G.A., the "Fair Business Practices Act," as amended; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to ratify an executive order of the Governor suspending the collection of such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Seabaugh of the 28th.

The following Fiscal Note, as required by law, was read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 4-114
Atlanta, Georgia 30334-8400

Russell W. Hinton
STATE AUDITOR
(404) 656-2174

January 4, 2006

Honorable Jay Roberts
State Representative
State Capitol, Room 109
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 970 (LC 18 4866-EC)

Dear Representative Roberts:

This analysis summarizes the estimated impact of a temporary reduction in the collection of sales tax on natural gas and propane sales used primarily for residential heating in Georgia.

The temporary reduction began on January 1, 2006 based on an Executive Order. It applies for three billing cycles ending on or before April 30, 2006 for residential natural gas use and for three calendar months for propane sales for residential use. The reduction applies only to natural gas and propane commodity costs – it excludes such costs as transportation, storage and customer service. The sales tax is reduced from 4% to 2% on this component of total costs. The Georgia State University Fiscal Research Center estimates the revenue reduction at \$15 million, calculated as follows:

Table 1 below summarizes the expected expenditures on natural gas and propane commodity costs by consumption month. 2005 residential natural gas consumption data for Georgia from the Energy Information Administration was used to estimate Georgia consumption in 2006. This consumption level was increased by 10% to account for estimated propane usage.

Natural gas commodity costs were estimated based on closing prices of natural gas futures contracts in mid-December at the time of the Executive Order. These costs are highly volatile and will change with small changes in supply/demand and with weather conditions.

Table 1

Consumption Month	Gas & Propane Commodity Expenditures		
	Propane & Residential Consumption (mmcf)	Estimated Commodity Price (\$/mcf)	Expenditures on Commodity (\$000)
Jan	23,965	13.70 \$	328,321
Feb	19,466	13.81 \$	268,825
Mar	19,671	13.74 \$	270,280
Apr	8,069	11.04 \$	89,082

Table 2 summarizes the tax implications and adjusts for differences in billing cycle months and consumption months. For this adjustment, it is assumed that billing cycles are spread evenly across the month; thus the reduction in revenues for January on a billing cycle basis is the average of the January and February reductions on a consumption basis. As shown, the temporary reduction is expected to reduce state sales tax revenue by approximately \$15 million. The actual value will depend on weather conditions that influence heating needs and actual natural gas prices.

Table 2

Consumption Month	Sales Tax Impact Analysis			
	Sales Tax @ 4% (\$000)	Sales Tax @ 2% (\$000)	Sales Tax Revenue Reduction (\$000)	Reduction Adjusted for Billing Cycles (\$000)
Jan	\$ 13,133	\$ 6,566	\$ 6,566	\$ 5,972
Feb	\$ 10,753	\$ 5,377	\$ 5,377	\$ 5,391
Mar	\$ 10,811	\$ 5,406	\$ 5,405	\$ 3,593
Apr	\$ 3,563	\$ 1,782	\$ 1,782	
	Total Reduction			\$ 14,956

Respectfully,

/s/ Russell W. Hinton
State Auditor

/s/ Shelley C. Nickel, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
N Brown	Y Hooks	Y Staton
Bulloch	Y Hudgens	Y Stephens
N Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	N Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 51, nays 3.

HB 970, having received the requisite constitutional majority, was passed.

SB 399. By Senators Shafer of the 48th, Zamarripa of the 36th, Moody of the 56th, Reed of the 35th and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, so as to provide that a noncontiguous area within three miles of another noncontiguous area may be treated as the same noncontiguous area; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 399:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, so as to provide that a noncontiguous area within ten miles of another noncontiguous area may be treated as the

same noncontiguous area; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) When a municipal corporation is created by local Act within a county which has a special district for the provision of local government services consisting of the unincorporated area of the county and following the creation of said municipal corporation the special district is divided into two or more noncontiguous areas, any special district taxes, fees, and assessments collected in such a noncontiguous area shall be spent to provide services in that noncontiguous area. Effective January 1, 2006, for the purposes of this Code section, a noncontiguous area located within ten miles of another noncontiguous area may be treated as the same noncontiguous area."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 47, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Balfour	Y Hill,Judson	Y Starr
N Brown	Y Hooks	Y Staton
Bulloch	Y Hudgens	Y Stephens
N Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C

Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 2.

SB 399, having received the requisite constitutional majority, was passed by substitute.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 1107. By Representative Keen of the 179th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

The following resolution was read and adopted:

HR 1107. By Representative Keen of the 179th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

Serving as the doctor of the day was Dr. Donna Gregory.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 1114. By Representative Keen of the 179th:

A RESOLUTION relative to adjournment; and for other purposes.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Tuesday, January 24, 2006.

The motion prevailed, and the President announced the Senate adjourned at 2:18 p.m.